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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,584

12/17/2003

Larry D. Glick

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EXAMINER

TRIEU, VAN THANH

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,584

Applicant(s)

GLICK ET AL.

Examiner

Van T. Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/17/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "microcomputer" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the microcomputer" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 6, 8, 9, 12, 13 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Greenberg et al** [US 4,918,425] in view of **Bandy et al** [US 6,002,344]

Regarding claim 1, the claimed RF communication circuit adapted for communication with at least one RFID tag (the base station transceiver 20 and/or the local vehicle monitors 80 to communicate with a plurality of transponder ID 10, see Figs. 1 and 7, col. 4, lines 65-68, col. 5, lines 1-4 and col. 8, lines 41-62); and the control unit (the microprocessor 21 or 81 is coupled to RF receiver 22, 82 and transmitter 23, see Figs. 3 and 8, col. 4, lines 34-44 and col. 8, lines 48-49); and the alarm electrically connected to the microcomputer (the audible alarm 24 and visual alarm 24 are connected to the microprocessor 21, see Fig. 3); and the computer readable program code stored in the

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memory and executing under control of the microprocessor (the microprocessor 21 as a controller to execute the programmed codes stored within the microprocessor 21 to operate the tasks and tests functions, see Figs. 3 and 6, col. 5, lines 21-68, col. 6 through col. 11 and col. 12, lines 1-43); and the means for acquiring the identification tag by storing a unique identifier associated with the ID tag in the memory and associating the identifier with an alias (the microprocessor 21 acquiring each of the transponder ID codes either from a keyboard 21a or from the transmitter of the transponder code selecting means 11a associated with a respective object, see Figs. 1-3 and 7, col. 2, lines 2-15, col. 4, lines 45-47 and 65-68, col. 5, lines 1-3 and 21-25 and col. 12, lines 1-5); and the means for operating the RF communication circuit to interrogate the identification tag (the base station transceiver 20 is continuously or periodically interrogate with each of the RF transponder ID through base frequency BF, see Figs. 1-3 and 7, col. 4, lines 65-68, col. 5, lines 1-28 and col. 12, lines 1-30); and the means for causing the alarm (the audio/visual alarm 24 will energized when the monitored RF transponder ID is out-of-range condition, see col. 7, lines 13-30); but **Greenberg et al** fails to disclose the means for dropping the identification tag by deleting the unique identifier associated with the ID tag from the memory. However, **Greenberg et al** teaches that the base microprocessor 21 is acquiring/requesting of RF transponder ID codes associated with each object/article to be entered and stored in the microprocessor 21, see Figs. 1-3 and 7, col. 2, lines 2-15, col. 4, lines 45-47 and 65-68, col. 5, lines 1-3 and 21-25 and col. 12, lines 1-5. **Bandy et al** suggests that a system and method for conducting an inventory of RFID tags, each RFID tag 102 can be

attached to an item/article. The tag reader 104 records the transmitted RFID tag during a cycle into an inventory database. When an item/article is purchased, its Tag ID is removed from the inventory database so that when a tag attached to a purchased item/article moves past the door reader, no alarm is sounded, see Figs. 1,3 and 4, col. 12, lines 11-38. Therefore, it would have been obvious to one skill in the art at the time the invention was made to adapting the deleting of Tag ID from database memory of **Bandy et al** to the microprocessor of **Greenberg et al** in order to free memory spaces in the microprocessor when an object/article with RFID tag has been purchased and/or removed with authorization. Free of memory spaces will allow the microprocessor operates faster and without errors.

Regarding claim 2, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** in respect to claim 1 above, and including the wireless network interface adapter (the wireless network includes a plurality of RF transponder ID or RFID tags 10, a base station 20, a distribution station of FM network 70, computer 71, geostationary satellite 72, remote FM stations 73 and vehicle monitor 80, see Fig. 1, col. 2, lines 15-30 and col. 8, lines 24-58).

Regarding claim 3, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** in respect to claim 1 above, and including the receiver section 22 and transmitter section 23, see Fig. 3.

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Regarding claim 5, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** in respect to claim 3 above, and including the adjusting the signal strength of the transmitting means (the microprocessor 21 controls RF transmitter with HI/LO power control, see Fig. 3, col. 2, lines 58-68 and col. 3, line 1, col. 6, lines 26-35 and col. 7, lines 57-59).

Regarding claim 6, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** in respect to claim 1 above, and including the housing (the base station housing 20 and RF transponder housing 10, see Fig. 1).

Regarding claim 8, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** in respect to claim 1 above, and including the user interface (the display 21b, see Fig. 3, col. 4, lines 49-51 and col. 5, lines 1-4).

Regarding claim 9, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** in respect to claims 1 and 6 above, see Figs. 1 and 3.

Regarding claim 12, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** in respect to claim 1 above, and including the audible alarm 24, see Fig. 3.

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Regarding claim 13, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** in respect to claim 1 above, and including the visual alarm 24a, see Fig. 3.

Regarding claim 15, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** in respect to claim 1 above.

Regarding claim 16, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** in respect to claim 1 above.

Regarding claim 17, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** in respect to claim 1 above, and including RFID tag or RF transponder ID 10 attached to each object/article to be tracked, see Figs. 1,2 and 7, col. 2, lines 2-14; and the memory having a unique ID number stored therein (the RF transponder ID 10 includes a microprocessor 11 for storing unique digital ID code using ID code selecting means 11a, see Fig. 2, col. 4, lines 23-25 and 65-68); and the transponder means (the RF transponder 10 including a microprocessor 11 connected to a receiver section 12 and a transmitter section 13, see Fig. 2, col. 2, lines 7-15 and col. 5, lines 21-25).

Regarding claim 18, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** in respect to claims 9 and 17 above, and including the monitor is

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portable (the base station 20 is located with the parent, which could be a portable, and the remote monitor 80 is portable, see Figs. 1 and 7, col. 2, lines 41-42 and col. 8, lines 43-58).

Regarding claim 19, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** in respect to claim 1 above, and including the wireless personal area network (the wireless network includes a plurality of RF transponder ID or RFID tags 10, a base station 20, a distribution station of FM network 70, computer 71, geostationary satellite 72, remote FM stations 73 and vehicle monitor 80, see Fig. 1, col. 2, lines 15-30 and col. 8, lines 24-58).

4. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Greenberg et al** and **Bandy et al** and further in view of **Sellers et al** [US 6,064,309]. Regarding claim 4, **Greenberg et al** fails to disclose the adjusting means for adjusting the sensitivity of the receiving means. However, **Greenberg et al** teaches that the base station microprocessor 21 controls to adjust the transmitter power output low/high for communicating and finding the monitored RF transponder 10 to indicate the present of the monitored RF transponder by a display 21b and/or visual alarm 24, see Figs. 1 and 3, col. 2, lines 58-68 and col. 3, line 1, col. 6, lines 26-35 and col. 7, lines 28-59. **Sellers et al** suggests that different alert levels correspond to the length of time the person 100 having the wearable article 50 and transmitter is within the defined area as selected by the user adjustable radio reception range of the RFRS20 by an adjustable

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gain control 62 for varying the RF sensitivity of the RFRS 20, see Figs. 1-3 and 6, abstract, col. 2, lines 20-32, 54-62 and col. 6, lines 21-37. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the gain control for varying the RF sensitivity of **Sellers et al** for the receiver section of **Greenberg et al** and **Bandy et al** for combining with the adjustable transmitting power to allow a user with easier to track of an item or article under monitored, and to exactly defining of a monitoring area/zone.

Regarding claim 11, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** and **Sellers et al** in respect to claim 4 above.

5. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Greenberg et al** and **Bandy et al** and further in view of **Nichols et al** [US 5,748,454] Regarding claim 7, **Greenberg et al** fails to disclose the belt clip. However, **Greenberg et al** teaches that the base station 20 is located with the parent, which could be a portable, and the remote monitor 80 is portable to be placed in a vehicle, see Figs. 1 and 7, col. 2, lines 41-42 and col. 8, lines 43-58. **Nichols et al** suggests that a belt clip 100 attaches to a communication device to be worn by a user, see Fig. 1, abstract, col. 1, lines 56-67 and col. 2, lines 1-61. Therefore, it would have been obvious to one skill in the art at the time the invention was made to adapt the belt clip of **Nichols et al** for attaching the transceiver or monitor of **Greenberg et al** and **Bandy et al** for providing

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convenience to a user such as parent freely to move around a house/building and still able to continuously monitor a baby with RF transponder.

Regarding claim 10, all the claimed subject matters are discussed between **Greenberg et al** and **Bandy et al** and **Sellers et al** in respect to claims 7 and 9 above.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Greenberg et al** and **Bandy et al** and further in view of **Zhou et al** [US 6,847,892]

Regarding claim 14, **Greenberg et al** fails to disclose the alarm is a tactile alarm.

However, **Greensberg et al** teaches that the base station transceiver 20 includes an audio alarm 24 and visual alarm 24a are used to alert of the present/absent of the monitor RF transponders 10, see Figs. 1 and 3, col. 4, lines 48-51 and col. 7, line 28-59. **Zhou et al** suggests that an application service provider ASP 200 communicates the measured data, position data through wireless transmissions and notification of any alerts to an end user 25 via device 100 or ASP 200 by audio, visual or tactile, see Fig. 1, col. 6, lines 11-41. Therefore, it would have been obvious to one skill in the art at the time the invention was made to utilize the tactile alert of **Zhou et al** with the audio and visual alerts of **Greenberg et al** and **Bandy et al** for alerting of handicapped person or parent having deaf and blind conditions.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hughes et al discloses a method of securing communications in an RFID system including a reader and an RF tag having a memory. [US 6,842,106]

Maynard discloses a RFID tagging system for computer network assets comprising an RFID host, a transponder tag attached to an asset in a computer network.
[US 5,949,335]

8. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long horizontal flourish extending to the right.

Van Trieu
Primary Examiner
Date: 4/29/05